



# COMMONWEALTH OF MASSACHUSETTS

## Department of Telecommunications and Cable

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COMMISSIONER

November 6, 2015

Department of Telecommunications and Cable Regulation Review Pursuant to Executive Order No. 562 To Reduce Unnecessary Regulatory Burden

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### **NOTICE SEEKING COMMENT ON HEARING OFFICER RECOMMENDATION** **220 C.M.R. § 5.00 - TARIFFS, SCHEDULES AND CONTRACTS**

By Executive Order No. 562, dated March 31, 2015, the Governor's Office directed each Executive Agency, including the Department of Telecommunications and Cable ("Department"), to undertake an immediate review of its regulations.<sup>1</sup> These reviews must be generally concluded by March 31, 2016, and may result in rescission or revision of certain regulations.<sup>2</sup>

Having reviewed 220 C.M.R. § 5.00, the Department seeks comment on the proposed revised version of these regulations as well as on the questions listed below.<sup>3</sup> This proposal accounts for filings submitted to the Department in accordance with G.L. c. 159, § 19, and existing requirements.<sup>4</sup> The proposal omits instruction on the electronic notice and online posting requirements of G.L. c. 159, § 19F, involving certain retail rates, terms, and conditions.<sup>5</sup> Instead, the Department seeks comment on how to align Section 19F requirements with existing practice and procedure for Section 19 filings. In particular:

1. Should the Department implement baseline regulations involving Section 19F's electronic notice and online posting requirements similar to those already required of Section 19 filings? If so, what language should the Department adopt? Ideally, these

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<sup>1</sup> See Office of the Governor, Commonwealth of Massachusetts, Executive Order No. 562 (Mar. 31, 2015).  
<sup>2</sup> *Id.* § 2.

<sup>3</sup> For ease of editing, the Hearing Officer retains Section 5 numbering until the Department finalizes the section number.

<sup>4</sup> See, e.g., Industry Notice, *Customer Notice of Rate Increases* (Feb. 8, 2002); Department Notice, *Use of Contract Service Arrangements* (Apr. 6, 2004) ("CSA Notice"). Department Notices and information on tariffing requirements are available through the Department's website at:  
<http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/telecommunications-division/>.

<sup>5</sup> Section 19F was enacted last year. See C. 287 of the Acts of 2014, *An Act Promoting Economic Growth Across the Commonwealth*, § 79 (approved Aug. 13, 2014). Section 19F language is available at:  
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter159/Section19F>.

regulations would provide guidance to and consistency for carriers, the Department, and consumers.

If the Department adopts Section 19F regulations:

2. What, if any, information should be included in electronic notices to the Department? For instance, should these notices: (a) summarize changes made to the online posting; (b) specify the section(s) and page number(s) of those changes; and (c) include a copy of the notice(s) to consumers of rate increases?
3. What, if any, format should the online postings have? Do they need to retain the format already required of Section 19 filings?
4. What definition should the Department use for an online posting?
5. How should the Department account for contract service arrangements of retail rates, terms, and conditions that veer from those rates, terms, and conditions posted online by a carrier?<sup>6</sup>
6. What, if any, other requirements should the Department implement?

Comments on these inquiries and proposed regulations should be submitted to the Department on or before **November 20, 2015**, to [dtc.efiling@state.ma.us](mailto:dtc.efiling@state.ma.us) and to [Kerri.DeYoung@state.ma.us](mailto:Kerri.DeYoung@state.ma.us). Replies should be submitted on or before **December 9, 2015**. Comments may also be submitted to:

Sara J. Clark, Secretary  
Department of Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118-6500

Submittals should include the name, title, and telephone number of a person to contact in the event of questions about the filing. **Please be sure to reference “Department Reg Review” and “220 C.M.R. 5.00” in the subject line of all submissions.** Note that all filings submitted to the Department are subject to disclosure pursuant to G.L. c. 66, § 10, unless protected by statutory exemption.

The Department seeks comment on this preliminary Hearing Officer recommendation so that we can address any stakeholder concerns before the Department adopts a formal proposal. All comments will be posted to the Department’s website.

For questions about this Notice, contact Kerri DeYoung Phillips at (617) 368-1141 or [Kerri.DeYoung@state.ma.us](mailto:Kerri.DeYoung@state.ma.us).

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<sup>6</sup> Compare CSA Notice with G.L. c. 159, § 19F (specifying that no common carrier shall charge a rate “in excess of the rate posted to its website under this paragraph”).